

PRELIMINARY DRAFT ONLY

In June and July 2008, The Department of Early Learning (DEL) asked for public input on a preliminary draft of changes to rules for the Working Connections Child Care (WCCC) subsidy program. Several comments were received, and the comments will help DEL prepare a formal proposal to revise the rules (also known as Washington Administrative Code or WAC).

There will be another opportunity for public comment when the DEL files the formal proposed rules under RCW 34.05.320. DEL will post the proposed rules online, take written comments, and hold public hearings before adopting the proposed changes as permanent.

Background

In March 2008, DEL moved (recodified) the WCCC rules from Department of Social and Health Services (DSHS) WAC chapter 388-290 to new DEL WAC chapter 170-290 to implement 2006 state law 2SHB 2964. The law made the Department of Early Learning the lead state agency for the Working Connections program, and for the rules to run the program. DSHS still implements the rules.

DEL then drafted preliminary changes to the Working Connections rules. These draft changes would:

- Update out-of-date RCW and WAC number references, mostly changing WAC 388-290 references to WAC 170-290, and changing references from DSHS to DEL where appropriate
- Implement child care provider rate increases for WCCC passed by the Legislature in 2007 law SHB 1128
- Put into rule the “non-standard hour bonus” for child care homes covered in the State’s 2007-09 Collective Bargaining Agreement with the Services Employees International Union 925 (See new draft WAC 170-296-0249), as well as for non-covered child care centers, and
- Make other editing changes and clarifications that would not change the intended effect of the rules.

The following are the preliminary draft rules as they were posted in June for public input:

Chapter 170-290 WAC WORKING CONNECTIONS CHILD CARE

WAC 170-290-0001 What is the purpose of the working connections child care program?

(This section would not be changed.)

WAC 170-290-0005 Who is considered a consumer for the WCCC program? For the purposes of this chapter, "you" and "your" refer to the consumer. If you apply for or receive WCCC, ~~we consider you to be~~ the consumer.

(1) In WCCC, an eligible consumer ~~is one of the following individuals who~~ has parental control of one or more children, lives in the state of Washington, and is the child's:

- (a) Parent, either biological or adopted;
- (b) Stepparent;
- (c) Legal guardian verified by a legal or court document;
- (d) Adult sibling or step-sibling;
- (e) Nephew or niece;
- (f) Aunt;
- (g) Uncle;
- (h) Grandparent; or

(i) Any of the relatives in (f) ~~through, g or~~ (h) of this subsection with the prefix great, ~~such as (for example great-aunt).~~

(2) You are not an eligible consumer when you:

(a) ~~Are the only parent in the household; and~~

~~— (b) Will be away from the home for more than thirty days in a row; and~~

(b) Are the only parent in the household.

WAC 170-290-0010 What makes me eligible for WCCC benefits? For the purposes of this chapter "we" and "us" refer to the department of social and health services. You may be eligible for WCCC benefits if:

- (1) Your family is described under WAC ~~388170~~-290-0015;
- (2) You are participating in an approved activity under WAC ~~388170~~-290-0040, ~~388170~~-290-0045, ~~388170~~-290-0050, or have been approved per WAC ~~388170~~-290-0055;
- (3) You and your children are eligible under WAC ~~388170170~~-290-0020;
- (4) Your countable income, is at or below two hundred percent of the federal poverty level ~~(FPL)~~ (under WAC ~~388170~~-290-0065); and
- (5) Your share of the child care cost, called a copayment (under WAC ~~388170~~-290-0075), is lower than the total ~~DSHS~~state maximum monthly payment for all children in the family who are eligible for subsidized care. We do not prorate your copayment when care is provided for part of a month.

WAC 170-290-0012 When do I need to verify information? (1) When you apply for benefits, ~~we require you~~ must give us ~~to provide~~ information that helps us decide your eligibility. We call this "verification."

(2) After you apply, we ask you to give us new verification when:

- (a) You report a change;
- (b) We find out that your circumstances have changed; or

- (c) The information we have is questionable, confusing or outdated.
- (3) Whenever we ask for verification, we give you a notice as described in WAC 388-458-0020.
- (4) We accept any verification ~~that~~ you can easily get when it reasonably supports your statement or circumstances. The verification you give ~~to~~ us must:
- (a) Clearly relate to what you are trying to verify;
 - (b) Be from a reliable source; and
 - (c) Be accurate, complete, and consistent.
- (5) We cannot make you give us a specific type or form of verification.
- (6) If the only type of verification ~~that~~ you can get costs money, we pay for it.
- (7) If the verification that you give to us is questionable or confusing, we may:
- (a) Ask you to give us more verification or provide a collateral contact (a "collateral contact" is a statement from someone outside of your residence ~~that~~who knows your situation); or
 - (b) Send an investigator from the division of fraud investigations (DFI) to make an unannounced visit to your home to verify your circumstances. See WAC ~~388170~~-290-0025(10).
- (8) If you do not give us all of the verification ~~that~~ we have asked for, we determine if you are eligible based on the information ~~that~~ we already have. If we cannot determine ~~that~~ you are eligible based on this information, we deny or stop your benefits per WAC ~~388170~~-290-0107 or ~~388170~~-290-0115.

WAC 170-290-0015 How does the WCCC program determine my family size for eligibility? We determine your family size by reviewing those ~~individuals~~people who live together in the same household as follows:

(1) If you are:	We count the following individuals <u>people</u> as part of the family for WCCC eligibility:
(a) A single parent, including a minor parent living independently;	You and your children.
(b) Unmarried parents who have at least one mutual child;	Both parents and all their children living in the household.
(c) Unmarried parents with no mutual children;	Unmarried parents and their respective children living in the household as separate WCCC families.
(d) Married parents;	Both parents and all their children living in the household.

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(e) Undocumented parents;	Parents and children, documented and undocumented, as long as the child needing care is a U.S. citizen or legally residing in the United States. All other family rules in this section apply.
(f) A consumer as defined in WAC 388 <u>170</u> -290-0005 (1)(c) through (i);	The children only- (The children and their income are counted.)
(g) A minor parent with children and live with a parent/guardian;	Only the minor parent and their children.
(h) A family member who is out of the household because of employer requirements, such as the military or training, and is expected to return to the household.	You, the absent <u>person</u> individual , and the children. Subsection (1)(b) and (d) of this section apply.
(i) A family member who is voluntarily out of the household for reasons other than requirements of the employer, such as unapproved schooling and visiting family members, and is expected to return to the household.	You, the absent <u>person</u> individual and the children. Subsection (1)(b) and (d) of this section apply as well as WAC 388 <u>170</u> -290-0020.
(j) An incarcerated family member.	The absent <u>person</u> individual is removed from the household. We count all remaining household members. All other family rules in this section apply.
(2) If your household includes:	We count the following <u>persons</u> individuals as part of the family for WCCC eligibility:
(a) Eighteen year old siblings of the children who require care and are enrolled in high school or general equivalency diploma (GED) program.	The eighteen year olds (unless they are a parent themselves), until they turn nineteen or complete high school/GED, whichever comes first. All other family rules in this section apply.

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(b) Siblings of the children requiring care who are up to twenty-one years of age and who are participating in an approved program through the school district's special education department under RCW 28A.155.020.	The person individual participating in an approved program through RCW 28A.155.020 up to twenty-one years of age (unless they are a parent themselves). All other family rules in this section apply.
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WAC 170-290-0020 Are there special circumstances that might affect my WCCC eligibility? (1) You might be eligible for WCCC if you are:

(a) An employee of the same child care center where your children receive care and you do not provide direct care to your own children during the time WCCC is requested;

(b) A sanctioned WorkFirst participant or an applicant who was terminated by a sanction review panel and in an activity needed to remove a sanction penalty or to reopen your case;

(c) A parent in a two-parent family and one parent is not able or available to provide care for your children while the other is working, looking for work, or preparing for work;

(i) "Able" means physically and mentally capable of caring for a child in a responsible manner. If you claim one parent is unable to care for the children, you must provide written documentation from a licensed professional (see WAC 388-448-0020) that states the:

(A) Reason the parent is unable to care for the children;

(B) Expected duration and severity of the condition that keeps them from caring for the children; and

(C) Treatment plan if the parent is expected to improve enough ~~to be able~~ to care for the children. The parent must provide evidence from a medical professional showing they are cooperating with treatment and are still unable to care for the children.

(ii) "Available" means free to provide care when not participating in an approved work activity under WAC ~~388170~~-290-0040, ~~388170~~-290-0045, ~~388170~~-290-0050, or ~~388170~~-290-0055 during the time child care is needed.

(d) A married consumer described under WAC ~~388170~~-290-0005 (1)(d) through (i). Only you or your spouse must be participating in activities under WAC ~~388170~~-290-0040, ~~388170~~-290-0045, ~~388170~~-290-0050, or ~~388170~~-290-0055.

(2) You might be eligible for WCCC if your children are legally residing in the country, are living in Washington state, and are:

(a) Less than age thirteen; or

(b) Less than age nineteen, and:

- (i) Have a verified special need, according to WAC ~~388170~~-290-0220; or
- (ii) Are under court supervision.
- (3) Any of your children who receive care at the same place where you work (other than (1)(a) of this subsection) are not eligible for WCCC payments but can be included in your household if they meet WAC ~~388170~~-290-0015. This includes if you work:
 - (a) In a family home child care in any capacity and your children are receiving care at the same home during your hours of employment; or
 - (b) In your home or another location and your children receive care at the same location during your hours of employment.

WAC 170-290-0025 What rights do I have when I apply for or receive WCCC benefits? ~~When you apply for or receive WCCC benefits y~~You have the right to:

- (1) Be treated politely and fairly without regard to race, color, creed, religion, sex, presence of any sensory, mental or physical disability, sexual orientation, political affiliation, national origin, religion, age, gender, disability, or birthplace;
- (2) Have WCCC eligibility determined within thirty days from your application date per WAC ~~388170~~-290-0100(2);
- (3) Be informed, in writing, of your legal rights and responsibilities related to WCCC benefits;
- (4) Only have your information shared with other agencies when required by federal or state regulations;
- (5) Get a written notice at least ten days before we make changes to lower or stop benefits except as stated in WAC ~~388170~~-290-0120;
- (6) Ask for a ~~fair~~ hearing per WAC 170-290-0260 if you do not agree with us about a decision ~~per WAC 388 290 0260~~.
- (7) Ask a supervisor or administrator to review a decision or action affecting your benefits without affecting the right to a fair hearing;
- (8) Have interpreter or translator service within a reasonable amount of time and at no cost to you;
- (9) Choose your provider as long as the provider meets the requirements in WAC ~~388170~~-290-0125; and
- (10) Refuse to speak to a fraud early detection (FRED) investigator from the department of social and health services division of fraud investigations (DFI). Ask the fraud early detection (FRED) investigator from the division of fraud investigations (DFI) to come back at another time. You do not have to let an investigator into your home. You may ask the investigator to come back at another time. ~~This~~ Such a request will not affect your eligibility for benefits. If you refuse to cooperate (provide the information

requested) with the investigator, it could affect your benefits.

WAC 170-290-0030 What must I do when I apply for or receive WCCC benefits? ~~When you apply for or receive WCCC benefits y~~You must:

- (1) Give us correct and current information so we can determine your eligibility and authorize child care payments correctly;
- (2) Choose a provider who meets requirements of WAC ~~388170~~-290-0125;
- (3) Pay, or make a plan to have someone pay, your WCCC copayment directly to your child care provider;
- (4) Leave your children with your provider while you are in WCCC approved activities. If you are not in an approved activity and you want to use the provider, you must make a plan to pay the provider yourself if the provider wants payment.
- (5) If you use an in-home/relative provider, make sure care is being provided in the right home per WAC ~~388170~~-290-0130.
- (6) If quality assurance determines you are not cooperating you will not be eligible for WCCC benefits. You can become eligible again when you meet quality assurance requirements or when 30 days have passed since you became ineligible;~~Cooperate (provide the information requested) with the quality assurance review process to remain eligible for WCCC. You become ineligible for WCCC benefits upon a determination of noncooperation by quality assurance and remain ineligible until you meet quality assurance requirements or thirty days from the determination of noncooperation.~~
- (7) Cooperate with the fraud early detection (FRED) investigator. If you refuse to cooperate (provide the information requested) with the investigator, it could affect your benefits.

WAC 170-290-0031 What changes do I need to report when I apply for or receive WCCC? (1) Notify WCCC staff, within five days, of any change in providers;

- (2) Notify your provider within ten days when we change your child care authorization;
- (3) ~~Provide~~Give notice to WCCC staff within ten days of any change in:
 - (a) The number of child care hours you need (more or less hours);
 - (b) Your household income, including any TANF grant or child support increases or decreases;
 - (c) Your household size such as any family member moving in or out of your home;
 - (d) Employment, school or approved TANF activity (starting, stopping or

changing);

(e) The address and telephone number of your in-home/relative provider;

(f) Your home address and telephone number; and

(g) Your legal obligation to pay child support.

(4) Report to your child care authorizing worker, within twenty-four hours, any pending charges or conviction information you learn about your in-home/relative provider.

(5) Report to the child care authorizing worker, within twenty-four hours, any pending charges or conviction information you learn about anyone sixteen years of age and older who lives with the provider when care occurs outside of the child's home.

WAC 170-290-0032 What are the consequences if I do not report changes within the specified time frames? If you fail to report any changes as required in WAC ~~388170~~-290-0031 within the stated time frames, we may establish an overpayment per WAC ~~388170~~-290-0271 or you might have to pay more than your normal share of child care costs, such as:

(1) Paying a higher copayment;

(2) Paying for extra hours of care when your activity requires child care for more than ten hours ~~aper~~ day ~~-of care~~;

(3) Receiving an overpayment for the number of days your child was absent including the absences the licensed/certified or ~~DSHS-the department of early learning (DEL)~~ seasonal contracted day care provider is allowed to bill (see publication *Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers*, ~~DSHSDEL~~ 22-877). An overpayment for absent days can occur when you use care ~~is used~~ when you are not eligible for WCCC and can be up to five days ~~aper~~ month~~;~~.

WAC 170-290-0035 What responsibilities does the WCCC program staff have? The WCCC program staff are responsible to:

(1) Determine your eligibility within thirty days from the date you applied (application date as described in WAC ~~388170~~-290-0100(2)).

(2) Allow you to choose your provider as long as they meet the requirements in WAC ~~388170~~-290-0125;

(3) Review your chosen in-home/relative provider's background information.

(4) Authorize payments only to child care providers who allow you to see your children whenever they are in care;

(5) Only authorize payment when no adult in your WCCC family is "able or available" to care for your children (under WAC ~~388170~~-290-0020).

- (6) Inform you of:
- (a) Your rights and responsibilities under the WCCC program at the time of application and reapplication;
 - (b) The types of child care providers we can pay;
 - (c) The community resources that can help you select child care when needed;
- and
- (d) Any change in your copayment during the authorization period except under WAC ~~388~~170-290-0120(5).
- (7) Respond to you within ten days if you report a change of circumstance that affects your:
- (a) WCCC eligibility;
 - (b) Copayment; or
 - (c) Providers.
- (8) Provide prompt child care payments to your child care provider.

WAC 170-290-0040 If I receive a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits? ~~If you receive a temporary assistance for needy families (TANF) grant, y~~You may be eligible for WCCC benefits, for activities in your individual responsibility plan (IRP), for up to sixteen hours maximum per day for your hours of participation in ~~the~~ following:

- (1) An approved WorkFirst activity under WAC 388-310-0200;
 - (2) Employment or self-employment. ~~We consider "e~~Employment" or "work" to mean:
- (a) Engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States; or
 - (b) Working in a federal or state paid work study program. You may receive WCCC for paid work study and transportation hours (not for the time you are in an unapproved activity).
- (3) Transportation time between the location of child care and your place of employment or approved activity;
 - (4) Up to ten hours per week of study time before or after regularly scheduled classes or up to three hours of study time per day when needed to cover time between approved classes; and
 - (5) Up to eight hours per day of sleep time when it is needed, such as if you work nights and sleep days.

WAC 170-290-0045 If I don't get a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC

benefits? (1) If you do not receive TANF, you may be eligible for WCCC benefits for up to sixteen hours maximum per day, including travel, study, and sleep time, for the hours of your participation in the following:

(a) Employment or self-employment under WAC ~~388170~~-290-0050. ~~We consider "eEmployment" or "work" to mean:~~

(i) Legal, income generating activity taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States;~~or;~~

(ii) Federal or state paid work study.

(b) VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed;~~;~~

(c) High school (HS) or general equivalency diploma (GED) program until you reach your twenty-second birthday (you can be enrolled in a HS or GED program without a minimum number of employment hours);~~;~~

(d) Approved WorkFirst activities according to WAC 388-310-0200 or 388-310-0700 if you are a TANF applicant;~~;~~ or

(e) Food stamp employment and training program under chapter 388-444 WAC.

(2) If you are participating in an activity listed in subsections (3) through (8) of this section, you may be eligible for WCCC benefits as described in subsection (1) of this section if you are actually working either:

(a) Twenty or more hours per week; or

(b) Sixteen or more hours per week in a paid federal or state work study program.

(3) Adult basic education (ABE).

(4) English as a second language (ESL).

(5) High school or GED completion if you are twenty-two years of age or older.

(6) Vocational education (Voc Ed). The ~~V~~Voc ~~E~~Ed program must:

(a) ~~Must~~Lead to a degree or certificate in a specific occupation; and;

(b) ~~Cannot include prerequisite classes or programs.~~

~~(e)~~Is~~Be~~ offered by the following accredited entities only:

(i) Public and private technical college or school;~~;~~

(ii) Community college; or;

(iii) Tribal college.

(7) Job skills training:

(a) For up to seven weeks for displaced homemaker program recipients; or

(b) For no more than fourteen consecutive days for other job skills training programs. Job skills training is not tied to a specific occupation but is training in specific skills directly related to employment, such as CPR/First Aid, keyboarding, computer programs, project management, and oral and written communication skills. Training

offered or required by a current employer, at or off your job site, may extend past the fourteen consecutive day limit.

(8) Post-employment services under WAC 388-310-1800.

(9) Child care for participation in vocational education is limited to thirty-six months regardless of the length of the educational program. The thirty-six months includes the months in which the following occurred at the same time:

(a) WCCC benefits were paid to support your participation in a ~~vocational~~ educational program; ~~or~~;

(b) You or someone in your household received TANF benefits.

(10) WCCC may be approved for activities listed in WAC ~~388170~~-290-0040 (3) through (5), when needed.

WAC 170-290-0050 If I am self-employed, can I get WCCC benefits? You may be eligible for WCCC benefits for up to sixteen hours maximum per day when you are self-employed.

(1) ~~We consider~~ "employment" or "work" ~~to mean~~ means engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States; ~~and~~

(2) You are eligible for the calculation discussed in subsection (4)(a) of this section one time only, for one self-employment venture. If you change self-employment, any months left up to the first six months are covered by child care according to subsection (4)(a)(i) of this section.

(3) If you get TANF and are self-employed:

(a) You must have an approved self-employment plan under WAC 388-310-1700;

(b) The amount of WCCC you get for self-employment is equal to the number of hours in your approved plan; and

(c) Income from self-employment while you are receiving TANF is determined by WAC ~~388170~~-450-0085.

(4) If you don't get TANF at the time of application for WCCC and it is a:

(a) New self-employment business (established less than six months):

(i) The hours of care you are eligible to receive for the first six months is based on your report of how many hours are needed, up to sixteen hours per day; and

(ii) Your self-employment income is based on WAC ~~388170~~-290-0060.

(b) For a self-employment business (established for six months or more) the number of hours of child care you are eligible to receive is based on whichever is more:

(i) Your work hours reported in your business records; or

(ii) The average number of monthly hours equal to dividing your monthly self-employment income by the federal or state minimum wage (whichever minimum wage is lower).

(c) After the first six months, the number of hours of WCCC you can get each month is based on the lesser of subsections (4)(b)(i) or (ii) of this section.

WAC 170-290-0055 If I am not working or in an approved activity right now, can I get WCCC benefits? When care is approved in the situations described in subsections (1) and (2) of this section, the child needs to attend for the provider to bill.

(1) We ~~mayean~~ authorize WCCC payments for a child's attendance in child care for up to fourteen consecutive days when you're waiting to enter an approved activity under WAC ~~388170~~-290-0040 or ~~388170~~-290-0045.

(2) We ~~mayean~~ authorize WCCC payments for a child's attendance in child care for up to twenty-eight consecutive days if you or the other parent in the household experience a gap in your approved activity.

(3) Your household may be eligible for payment described in subsection (2) of this section:

(a) Twice in a calendar year;

(b) For the same number of units open while you were in the approved activity, not to exceed two hundred thirty hours a month;

(c) If you report the loss of activity or employment timely following WAC ~~388170~~-290-0031; and

(d) If you receive WCCC immediately before the loss of employment or approved activity, and:

(i) Your employment, or the approved activity, will resume within that period; or

(ii) You are looking for another job.

WAC 170-290-0060 What income does the WCCC program count when determining eligibility and copayments? The WCCC program counts income as money you get from:

(1) A TANF grant, except when exempt under WAC ~~388170~~-290-0070 (1)(h);

(2) Child support payments;

(3) Supplemental Security Income (SSI);

(4) Other Social Security payments, such as SSA and SSDI;

(5) Refugee assistance payments;

(6) Payments from the Veterans' Administration, disability payments, or payments from labor and industries (L&I);

(7) Unemployment compensation;

(8) Other types of income not listed in WAC ~~388170~~-290-0070;

(9) VISTA volunteers, Americorps, and Washington Service Corps (WSC) if the

income is taxed;

(10) Gross wages from employment or self-employment. Gross wages includes any wages that are taxable. "Self-employment income" means your gross income from self-employment minus allowable business expenses in WAC 388-450-0085;

(11) Lump sums as money you get from a one-time payment such as back child support, an inheritance, or gambling winnings; and

(12) Income for the sale of property as follows:

(a) If you sold the property before application, we consider the proceeds an asset and do not count as income;

(b) If you sold the property in the month you apply or during your eligibility period, we count it as a lump sum payment as described in WAC ~~388~~170-290-0065(3); ~~and~~;

(c) Property does not include small personal items such as furniture, clothes, and jewelry.

WAC 170-290-0065 How does the WCCC program define and use my income? We use your countable income when determining your eligibility and copayment. Your countable income is the sum of all income listed in WAC ~~388~~170-290-0060 minus any child support paid out (through a court order, division of child support administrative order, or tribal government order).

(1) To determine your income we:

(a) Determine the number of months, weeks or pay periods it took your family to earn the income and divide the income by the same number of months, weeks or pay periods to get an average monthly amount; ~~or~~

(b) Use the best available estimate of your family's current income when you begin new employment; ~~or~~

~~(c)~~ If you don't have an income history to make an accurate estimate of your future income, we may ask your employer to verify your income.

(2) If you receive a lump sum payment (such as money from the sale of property or back child support payment) in the month of application or during your WCCC eligibility we:

(a) Divide the lump sum payment by twelve to come up with a monthly amount; ~~and~~

(b) Add the monthly amount to your expected average monthly income for the month it was received and the remaining months of the current authorization period; ~~and~~

(c) You must meet income guidelines for WCCC after the lump sum payment is applied to remain eligible for WCCC.

WAC 170-290-0070 What income types and deductions does the WCCC program disregard when figuring my income eligibility ~~and~~ for WCCC benefits?

(1) The WCCC program does not count the following income types when figuring your income eligibility and copayment:

- (a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;
 - (b) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;
 - (c) Adoption support assistance and foster care payments;
 - (d) Reimbursements, such as an income tax refund;
 - (e) Diversion cash assistance;
 - (f) Income in-kind that is untaxed, such as working for rent;
 - (g) Military housing and food allowance;
 - (h) The TANF grant for the first three consecutive calendar months after you start a new job. The first calendar month is the month in which you start working;
 - (i) Payments to you from your employer for benefits such as medical plans;
 - (j) Earned income of a WCCC family member defined under WAC ~~388170~~-290-0015(2);
 - (k) Income of consumers described in WAC ~~388170~~-290-0005 (1)(c) through (i);
 - (l) Earned income from a minor child who we count as part of your WCCC household; and
 - (m) Benefits received by children of Vietnam War veterans who are diagnosed with all forms or manifestations of spina bifida (except spina bifida occulta).
- (2) WCCC deducts the amount you pay for child support under court order, division of child support administrative order, or tribal government order, from your other countable income when figuring your eligibility and copay for the WCCC program.

WAC 170-290-0075 What steps does the WCCC program take to determine my family's WCCC eligibility and copayment amount? (1) ~~The WCCC program takes the following steps to determine your WCCC income eligibility and copayment~~

We:

- (a) Determine your family size (under WAC ~~388170~~-290-0015); and
 - (b) Determine your countable income (under WAC ~~388170~~-290-0065).
- (2) If your family's countable monthly income falls within the range below, then your copayment is:

YOUR INCOME	YOUR COPAYMENT is:
At or below 82% of the FPL	\$15

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Above 82% of the FPL up to 137.5% of the FPL	\$50
Above 137.5% of the FPL through 200% of the FPL	The dollar amount equal to subtracting 137.5% of FPL from countable income, multiplying by 44%, then adding \$50
Income above 200% of the FPL, you are not eligible for WCCC benefits.	

(3) We do not prorate the copayment when you use care for part of a month.

(4) The FPL is updated every year on April 1. We update the WCCC eligibility level at the same time every year to remain current with the FPL.

WAC 170-290-0082 When I am approved, how long is my eligibility period? We can approve you for a period up to six months. Your eligibility can end ~~prior to~~ before your end date as stated in WAC ~~388170~~ 170-290-0110.

WAC 170-290-0085 When might my WCCC copayment change? (1) Once we determine that you are eligible for WCCC benefits, your copayment could change when:

- (a) Your monthly income decreases;
 - (b) Your family size increases;
 - (c) We make an error in your copayment computation;
 - (d) You did not report all income, activity and household information at the time of eligibility determination or application/reapplication;
 - (e) You are no longer eligible for the minimum copayment under WAC ~~388170~~ 170-0090;
 - (f) We make a mass change in benefits due to a change in law or program funding; or
 - (g) You are approved for a new eligibility period.
- (2) If your copayment changes during your eligibility period, the change is effective the first of the month following our becoming aware of the change.
- (3) We do not increase your copayment during your current eligibility period when your countable income remains at or below two hundred percent of the FPL, and:
- (a) Your monthly countable income increases; or
 - (b) Your family size decreases.

WAC 170-290-0090 When do I pay the minimum copayment? You pay the minimum copayment:

- (1) If your countable monthly income is at or below eighty-two percent of the FPL;
- (2) If you are a minor parent, and are:
 - (a) Receiving TANF; or

WAC (~~9/3/08~~9/3/08~~5/23/08~~ 1:30
PM~~11:11 AM~~4:08 PM) [15]

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- (b) Part of your parent's or relative's TANF assistance unit.
- (3) For the first full month following the month you get a job ~~or~~ when you first apply for WCCC and ~~we~~ payare eligible for WCCC benefits;
- (4) If there is a break of at least thirty days in your WCCC benefits due to your activity ending; or
- (5) If you received child care benefits within the last thirty days immediately ~~prior~~ before ~~to~~ the current eligibility period and you do not meet the qualifications in subsections (1) through (4) of this section, your copayment will be computed according to WAC 388170-290-0075.

WAC 170-290-0095 If I receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin? When you receive TANF, and are eligible for WCCC, your benefits begin when your eligible provider (under WAC 388170-290-0125) is caring for your children and you are participating in an approved activity under WAC 388170-290-0040 or 388170-290-0055.

WAC 170-290-0100 If I do not receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin? (1) If you do not receive TANF and are eligible for WCCC your benefits begin as described in WAC 388170-290-0055(1) or the date you apply for WCCC and the following requirements are met:

- (a) You have turned in all your information within thirty days of your application date;
- (b) You meet all eligibility requirements; and
- (c) Your eligible provider (under WAC 388170-290-0125) is caring for your children.

(2) Your application date is whichever is earlier:

- (a) The date your application is entered into our automated system; or
- (b) The date your application is date stamped as received.

(3) If you fail to turn in all your information within thirty days from your application date you must restart your application process. Your begin date for benefits is described in subsection (2) of this section.

WAC 170-290-0105 How do I reapply for WCCC when my eligibility period is ending? (1) If you want to receive child care benefits for another eligibility period you must reapply for WCCC benefits before your current eligibility period ends. ~~We~~ To determine if you are eligible ~~by~~ we:

- (a) Requesting application information ~~prior to~~ before the end date of your current WCCC eligibility period; and
- (b) Verifying the requested information for completeness and accuracy.

(2) You may be eligible for WCCC benefits for a new eligibility period if:

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- (a) ~~We receive~~ ~~Y~~your application information ~~is received~~ no later than the last day of your current eligibility period;
- (b) Your provider is eligible for payment under WAC ~~388170~~-290-0125; and
- (c) You meet all WCCC eligibility requirements.
- (3) If ~~you are~~we determined ~~you are~~ eligible for WCCC benefits based on your application information, we notify you of your new eligibility period and copayment.
- (4) If you ~~provide~~give the requested application information to us anytime after your eligibility period ends, ~~you are~~we determined ~~you are~~ eligible for WCCC and you:
 - (a) Receive TANF, your benefit begins when:
 - (i) You are participating in your approved activity~~;~~; and
 - (ii) Your eligible provider (under WAC ~~388170~~-290-0125) is caring for your child.
 - (b) Do not receive TANF, your benefit begin date is the date your:
 - (i) Application is date stamped as received or entered into our automated system;
 - (ii) Eligible provider (under WAC ~~388170~~-290-0125) is caring for your child; and
 - (iii) Participation in an approved activity has started.

WAC 170-290-0107 When do I receive a denial letter? We send you a denial letter when you have applied for child care and you:

- (1) Withdraw your request;
- (2) Are not eligible due to your~~;~~
 - (a) Family composition;
 - (b) Income; or
 - (c) Activity.
- (3) Did not provide information necessary to determine your eligibility according to WAC ~~388170~~-290-0012.

WAC 170-290-0108 What happens if I meet eligibility requirements after I receive a denial letter? If you turn in information or otherwise meet eligibility requirements after we send you a denial letter, we determine your benefit begin date by:

- (1) WAC ~~388170~~-290-0095 if you are TANF; or
- (2) WAC ~~388170~~-290-0100 if you are non-TANF.

WAC 170-290-0110 What circumstances might affect my eligibility for WCCC benefits and when might I be eligible again? (1) We stop your eligibility for WCCC benefits when you do not:

- (a) Pay copayment fees assessed by us and you do not make mutually acceptable arrangements with your child care provider to pay the copayment;

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(b) Complete the requested reapplication before the deadline noted in WAC ~~388170~~-290-0105 (2)(a);

(c) Meet other WCCC eligibility requirements related to family size, income and approved activities; or

(d) Cooperate with the quality assurance review process or with the division of fraud investigations.

(2) You might be eligible for WCCC again when you meet all WCCC eligibility requirements, and:

(a) ~~You paid B~~back copayment fees ~~are paid~~;

(b) You ~~makemade~~ mutually acceptable payment arrangements with your child care provider; or

(c) You cooperated with the quality assurance review process or with the DSHS division of fraud investigations.

WAC 170-290-0115 When does the WCCC program provide me with advance and adequate notice of payment changes? (1) ~~The WCCC program~~We provides you with advance and adequate notice for changes in payment when the change results in a suspension, reduction, termination, or forces a change in child care arrangements, except as noted in WAC ~~388170~~-290-0120.

(2) "Advance and adequate notice," means a written notice of a WCCC reduction, suspension, or termination that is mailed at least ten days before the date of the intended action which includes the Washington Administrative Code (WAC) supporting the action, and your right to request a ~~fair~~ hearing.

WAC 170-290-0120 When doesn't advance and adequate notice of payment changes apply to me? We do not give you advance and adequate notice in the following circumstances:

(1) You tell us you no longer want WCCC;

(2) Your whereabouts are unknown to us;

(3) You are receiving duplicate child care benefits;

(4) Your current eligibility period is scheduled to end;

(5) Your new eligibility period results in a change in child care benefits;

(6) The location where child care occurs does not meet requirements under WAC ~~388170~~-290-0130(2); or

(7) We determine your in-home/relative provider:

(a) Is not of suitable character and competence;

(b) May cause a risk of harm to your children based on the provider's physical or mental health; or

(c) Has been convicted of, or has charges pending for crimes ~~posted on the DSHS secretary's list of permanently disqualifying convictions for ESA~~ DEL director's list in WAC

~~170-06-0120. You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/>.~~

WAC 170-290-0125 What child care providers can I choose under the WCCC program? To receive payment under the WCCC program, your child care provider must be:

(1) Licensed as required by chapter ~~74.15~~43.215 RCW and chapters ~~388-155~~170-295, ~~388-295~~170-296, or 388170-151 WAC;

(2) Meeting their states licensing regulations, for providers who care for children in states bordering Washington. We pay the lesser of the following to qualified child care facilities in bordering states:

(a) The provider's usual daily rate for that child; or

(b) The ~~DSHS~~state maximum child care subsidy daily rate for the DSHS region where the child resides.

(3) Exempt from licensing but certified by ~~us~~DEL, such as:

(a) Tribal child care facilities that meet the requirements of tribal law;

(b) Child care facilities on a military installation; and

(c) Child care facilities operated on public school property by a school district.

(4) Seasonal day camps that have a contract with ~~us~~DEL to provide subsidized child care and are:

(a) Of a duration of three months or less;

(b) Engaged primarily in recreational or educational activities; and

(c) Accredited by the American Camping Association (ACA).

(5) An in-home/relative provider meeting the requirements in WAC 388170-290-0130.

WAC 170-290-0130 What in-home/relative providers can I choose under the WCCC program? (1) To be eligible as an in-home/relative provider the person must:

(a) Be an adult who is a U.S. citizen or legally residing in the United States;

(b) Meet the requirements in WAC 388170-290-0135; and

(c) Be one of the following adults providing care in the home of either the child or the adult:

(i) A sibling living outside the child's home;

(ii) An extended tribal family member according to chapter 74.15 RCW; or

(iii) A grandparent, aunt, uncle, or great-grandparent, great-aunt or great-uncle.

(2) An adult not listed in (1)(c)(i), (ii), or (iii) of this section must:

(a) Meet the requirements in subsection (1)(a) and (b) of this section; and

(b) Provide care in the child's home.

(3) If you use an in-home/relative provider you can:

(a) Have no more than two in-home/relative providers authorized for payment during your eligibility period at the same time (not including back-up providers);

(b) Have one back up provider (licensed or an in-home/relative provider).

.]

WAC 170-290-0135 When I choose an in-home/relative provider, what information must I give the department? ~~When you choose in-home/relative child care, y~~You must complete certain forms and give us the following:

(1) The in-home/relative child care provider's legal name, address and telephone number;
(2) A copy of the provider's valid Social Security card;
(3) A copy of the provider's photo identification;
(4) A completed background check authorization; and
(5) A form supplied by us, completed and signed by you and the provider in which both of you attest to the following:

(a) The provider is:
(i) Of suitable character and competence;
(ii) Of sufficient physical and mental health to meet the needs of the children in care. If we request it, you must provide written evidence that the in-home child care provider of your choice is of sufficient physical and mental health to be a safe child care provider;
(iii) Able to work with the children without using corporal punishment or psychological abuse;
(iv) Able to accept and follow instructions;
(v) Able to maintain personal cleanliness;
(vi) Prompt and regular in job attendance;
(vii) Informed about basic health practices, prevention and control of infectious disease, immunizations; and
(viii) Able to provide constant care, supervision and activities based on the child's developmental needs.

(b) The children are current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices; and

(c) The home where care is provided is safe for the care of the children.

WAC 170-290-0138 What responsibilities does my eligible in-home/relative provider have? Your in-home/relative provider must:

(1) Report within ten days changes in their legal name, address or telephone number;
(2) Report within twenty-four hours pending charges or convictions they have;
(3) Report within twenty-four hours pending charges or convictions for anyone sixteen years of age and older who lives with the provider when care occurs outside of the child's home;
(4) Bill WCCC only for care ~~he/she~~they provided;
(5) Not bill WCCC for more than six children at one time for the same hours of care; and
(6) Keep correct attendance records. Records must:

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- (a) Show both days and times the care was provided;
- (b) Be kept for five years; and
- (c) Be given to us, within fourteen consecutive calendar days, if we ask for them.

WAC 170-290-0140 When is my in-home/relative provider not eligible for WCCC payment? We do not pay for the cost of in-home/relative care if:

- (1) Your provider does not meet the requirements in WAC ~~388170~~-290-0130, ~~388170~~-290-0135, and ~~388170~~-290-0138;
- (2) Your in-home/relative provider has been convicted of, or has charges pending for crimes ~~posted~~ on the ~~DSHS secretary's crime and action list for background checks for ESA. You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/policy.shtml>; DEL~~ director's list in WAC 170-06-0120.
- (3) We do not have background check results according to WAC ~~388170~~-290-0143;
- (4) The provider is:
 - (a) The child's biological, adoptive or step-parent;
 - (b) The child's nonneedy or needy relative or relative's spouse or live-in partner;
 - (c) The child's legal guardian or the guardian's spouse or live-in partner; or
 - (d) Another adult acting in loco parentis or that adult's spouse or live-in partner.
- (5) We do not have the results of all applicable criminal background checks under WAC ~~388170~~-290-0143(1) and ~~388170~~-290-0150. An in-home/relative provider is not an eligible provider (per WAC ~~388170~~-290-0095 and ~~388170~~-290-0100) prior to receiving these background results. Providers other than in-home/relative providers you can use are described in WAC ~~388170~~-290-0125; or
- (6) We determine your provider is not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care, or the household may be at risk of harm by this provider, as indicated by information other than conviction information. We will use criteria, such as the following, when reviewing information about incidents/issues/reports/findings:
 - (a) Recency;
 - (b) Seriousness;
 - (c) Type;
 - (d) Frequency; and
 - (e) Relationship to the direct care of a child including health, mental health, learning, and safety.

WAC 170-290-0143 Who must have a background check for the WCCC program and how often is the check done? (1) A background check must be completed for:

- (a) All in-home/relative providers who apply to care for a WCCC consumer's child; and
- (b) Any individual sixteen years of age or older who is residing with a provider when

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care occurs outside of the child's home.

(2) A background check must be completed for individuals listed in subsection (1)(a) and (b) of this section at least every two years.

(3) Additional background checks must be completed for individuals listed in subsection (1)(a) and (b) of this section when:

(a) Any individual sixteen years of age or older is newly residing with a provider when care occurs outside of the child's home;

(b) We have a valid reason to do a check more frequently;

(c) An in-home/relative provider applies to provide care for a family, such as when:

(i) A break in service occurs to the current consumer;

(ii) There is a break in consumer eligibility; or

(iii) A provider is currently providing care and there are no prior background results for this provider.

(4) We do not need to request a new background check for an individual in subsection (1)(a) or (b) if:

(a) We have results that were received no more than ninety days prior to the current requested start date of care; and

(b) The results indicate ~~that~~ there is no record.

WAC 170-290-0145 Why is a background check required and will I be notified of the results? (1) We require the background check to:

(a) Help safeguard the health, safety, and well-being of children;

(b) Reduce the possible risk of harm from persons who have been convicted or have charges pending of certain crimes having access to WCCC children; and

(c) Help you make informed decisions about individuals who have access to your children.

(2) We notify you, the WCCC consumer, of:

(a) Whether we can approve the provider for the WCCC program; and

(b) ~~Of~~ The following results from the background check:

(i) No background information is found given current sources of information;

(ii) Background information is found, but the information will not disqualify the individual being checked; or

(iii) Background information is found that disqualifies the individual being checked.

WAC 170-290-0150 What information does the background check contain and where does it come from? (1) The background information includes, at a minimum, criminal convictions and pending charges.

(2) Additional sources may include:

(a) Child/adult protective service case information; and

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(b) Civil judgments, determinations, or disciplinary board final decisions of abuse or neglect.

(3) We obtain background information, at a minimum, from the Washington state patrol under chapter 10.97 RCW via the background check central unit (BCCU).

(4) Additional sources of the background information may be obtained from:

(a) Child/adult protective service case files;

(b) Other states and federally recognized Indian tribes;

(c) The department of corrections and the courts;

(d) Law enforcement records of convictions and pending charges in other states or locations if:

(i) The individual being checked has lived in another state; and

(ii) Reports from credible community sources indicate a need to investigate another state's records.

(e) The individual being checked self-discloses information.

WAC 170-290-0155 What happens after the WCCC program receives the background information? After we receive the background information we:

(1) Compare the background information with convictions ~~posted for crimes~~ on the- ~~DSHS secretary's crime and action list for background checks for economic services administration (ESA). You can find the complete list at~~ <http://www1.dshs.wa.gov/esa/decel/policy.shtml> ~~DEL director's list in WAC 170-06-0120;-~~

(2) Review the background information using the following rules:

(a) We give the same weight to a pending charge for a crime as a conviction;

(b) If the conviction has been renamed, we give the same weight as the previous named conviction. For example, larceny is now called theft;

(c) We give convictions whose titles are preceded with the word "attempted" the same weight as those titles without the word "attempted"; and

(d) We do not consider the crime a conviction for the purposes of WCCC when:

(i) It has been pardoned; or

(ii) A court of law acts to expunge, dismiss, or vacate the conviction record.

(3) Notify you whether or not ~~we are able to approve~~ the provider has been disqualified for WCCC;-

(4) Allow you, the consumer, to decide character and suitability of the provider when an individual is not automatically disqualified due to the background information from the record of arrests and prosecutions (RAP) sheet or other information available to the department;-

(5) Deny or stop payment when the background information disqualifies the individual being checked; and;-

(6) Assist you in finding other child care arrangements.

WAC 170-290-0160 What convictions would cause the WCCC program to

permanently disqualify my in-home/relative provider? (1) If your provider or an individual listed in WAC ~~388170~~-290-0143(1) has a background containing a permanently disqualifying conviction ~~for crimes posted~~ on the ~~DSHS secretary's list of disqualifying convictions for ESA DEL director's list in WAC 170-06-0120(1)~~, we permanently disqualify the person as an in-home/relative child care provider for WCCC. ~~You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/>.~~

(2) If the conditions in WAC ~~388170~~-290-0167 (1)(a) and (b) are met, the disqualifying background of an individual sixteen years of age or over living with the provider may not permanently disqualify the provider.

WAC 170-290-0165 Is there other background information or convictions that will disqualify my in-home/relative provider? (1) We can disqualify your in-home/relative provider if the individual being checked has a background containing information other than conviction information that we determine:

(a) Makes the individual not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care; or

(b) Puts the household at risk for harm.

(2) If an individual being checked has a background containing a five-year disqualifying conviction ~~for crimes posted~~ on the ~~DSHS secretary's list of disqualifying convictions for ESA DEL director's list in WAC 170-06-0120(2)~~, your provider is disqualified as an in-home/relative child care provider for WCCC for five years after the conviction date. ~~You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/>.~~

(3) If an individual being checked has:

(a) A conviction listed in subsection (2) of this section, and it has been more than five years; or

(b) Any conviction other than those ~~crimes posted~~ on the ~~DSHS secretary's list of disqualifying convictions for ESA DEL director's list in WAC 170-06-0120~~, we ~~will~~ allow you to determine the provider's character, suitability, and competence by reviewing important information such as the:

(i) Amount of time that has passed since the conviction;

(ii) Seriousness of the crime that led to the conviction;

(iii) Individual's age at the time of conviction;

(iv) Individual's behavior since the conviction;

(v) Number and types of convictions in the individual's background; and

(vi) Individual's verification, if any, of successful completion of all court-ordered programs and restitution.

(4) If conditions in WAC ~~388170~~-290-0167 (1)(a) and (b) are met, the disqualifying background of an individual sixteen years of age or over living with the provider may not disqualify the provider.

WAC 170-290-0167 What happens if my in-home/relative provider, who provides care in their home, is disqualified based ~~solely~~only on the disqualifying background of an ~~individual person~~ living with that provider? (1) If we disqualify your provider based ~~solely~~only on the disqualifying background of an ~~individual person~~ living with that provider, we require that:

(a) Child care occurs in the child's home away from the disqualified ~~individual person~~, if you ~~wish~~want to ~~continue using~~use that provider; and

(b) The parent and provider sign an agreement with us ~~indicating that~~stating:

(i) Care occurs in the child's home; and

(ii) There is no contact between the child and disqualified ~~individual person~~ during child care hours.

(2) The parent may choose a licensed provider or submit an application for a different in-home/relative provider.

(3) If we become aware that the parent and provider are not meeting the conditions in subsection (1)(a) and (b) of this section:

(a) We terminate care without advance and adequate notice;

(b) You need to find a different provider; and

(c) You may be subject to an overpayment under WAC ~~388~~170-290-0270.

WAC 170-290-0180 When are the WCCC program subsidy rates in this chapter effective? ~~DSHS~~State child care subsidy rates (daily, half-day and hourly) in this chapter are effective on ~~or after November~~July 1, 20058.

WAC 170-290-0185 How does the WCCC program set rates when my child is five years old?

(This section would not be changed.)

WAC 170-290-0190 What does the WCCC program pay for and when can the program pay more? (1) We may pay for:

(a) Basic child care hours, either full-day, half-day or hourly. We authorize:

(i) Full-day child care to licensed or certified facilities and ~~DSHS~~DEL contracted seasonal day camps when your children need care for five or more hours per day;

(ii) Half-day child care to licensed or certified facilities and ~~DSHS~~DEL contracted seasonal day camps when your children need care for less than five hours per day; and

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- (iii) Hourly child care for in-home/relative child care.
- (b) A registration fee (under WAC ~~388170~~-290-0245);
- (c) ~~A field trip fee (under WAC 388 290-0245)~~ Special needs care when the child has a documented need for a higher level of care (under WAC 170-290-0220, 170-290-0230, and 170-290-0235); and
- (d) ~~Special needs care when the child has a documented need for higher level of care (under WAC 388 290-0220, 388 290-0225, 388 290-0230, and 388 290-0235)~~ A field trip fee under WAC 170-290-0247; and
- (e) A non-standard hour bonus (under WAC 170-290-0249).
- (2) We may authorize up to the provider's usual daily rate if:
 - (a) The parent is a mandatory WorkFirst participant; and
 - (b) Appropriate child care, at the ~~DSHS~~state rate, is not available within a reasonable distance from the home or work (activity) site. "Appropriate" means child care approvable under WAC ~~388170~~-290-0125. "Reasonable distance" is determined by comparing what other local families must travel to access appropriate child care.
- (3) We authorize an additional amount of care if:
 - (a) More than ten hours of care is provided per day (up to a maximum of sixteen (16) hours a day); and
 - (b) The provider's policy is to charge all families for these extra hours.

WAC 170-290-0200 What daily rates does ~~DSHS~~the State pay for child care in a licensed or certified child care center or ~~DSHS~~DEL contracted seasonal day camps? (1) We pay the lesser of the following to a licensed or certified child care center or DSHS contracted seasonal day camp:

- (a) The provider's usual daily rate for that child; or
- (b) The ~~DSHS~~state maximum child care subsidy daily rate for that child as listed in the following table:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 12 yrs)
Region 1	Full-Day	\$25.89 <u>28.53</u>	\$21.77 <u>23.99</u>	\$20.57 <u>22.67</u>	\$19.36 <u>21.34</u>
	Half-Day	\$12.95 <u>14.28</u>	\$10.89 <u>12.00</u>	\$10.29 <u>11.34</u>	\$9.68 <u>10.67</u>
Spokane County	Full-Day	\$26.48 <u>29.18</u>	\$22.27 <u>24.54</u>	\$21.04 <u>23.19</u>	\$19.80 <u>21.83</u>
	Half-Day	\$13.25 <u>14.61</u>	\$11.14 <u>12.28</u>	\$10.53 <u>11.61</u>	\$9.90 <u>10.91</u>
Region 2	Full-Day	\$26.14 <u>28.81</u>	\$21.83 <u>24.05</u>	\$20.23 <u>22.3</u>	\$17.91 <u>19.73</u>
	Half-Day	\$13.07 <u>14.41</u>	\$10.92 <u>12.03</u>	\$10.12 <u>11.15</u>	\$8.96 <u>9.88</u>
Region 3	Full-Day	\$34.60 <u>38.13</u>	\$28.84 <u>31.79</u>	\$24.92 <u>27.46</u>	\$24.20 <u>26.67</u>
	Half-Day	\$17.30 <u>19.07</u>	\$14.42 <u>15.89</u>	\$12.46 <u>13.73</u>	\$12.10 <u>13.34</u>

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Region 4	Full-Day	\$40.27 <u>44.38</u>	\$33.63 <u>37.06</u>	\$28.21 <u>31.09</u>	\$25.40 <u>28.00</u>
	Half-Day	\$20.14 <u>22.63</u>	\$16.82 <u>18.54</u>	\$14.11 <u>15.55</u>	\$12.70 <u>14.00</u>
Region 5	Full-Day	\$29.52 <u>32.54</u>	\$25.40 <u>28.00</u>	\$22.36 <u>24.65</u>	\$19.85 <u>21.88</u>
	Half-Day	\$14.76 <u>16.26</u>	\$12.70 <u>14.00</u>	\$11.18 <u>12.32</u>	\$9.93 <u>10.95</u>
Region 6	Full-Day	\$29.03 <u>31.99</u>	\$24.92 <u>27.46</u>	\$21.77 <u>23.99</u>	\$21.29 <u>23.46</u>
	Half-Day	\$14.52 <u>16.01</u>	\$12.46 <u>13.73</u>	\$10.89 <u>12.00</u>	\$10.65 <u>11.74</u>

(2) The child care center WAC ~~388170~~170-295-0010 allows providers to care for children from one month up to and including the day before their thirteenth birthday. ~~The provider must obtain a child-specific and time-limited waiver from their child care licenser to provide care for a child outside the age listed on their license.~~

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited waiver and the child must meet the special needs requirement according to WAC ~~388170~~170-290-0220.

~~(4) Rates for Spokane County are subject to special funding allocated by the Legislature in the state operating budget. If the special funds are not allocated Region 1 rates apply to Spokane County.~~

WAC 170-290-0205 What daily rates does ~~DSHS~~the State pay for child care in a licensed or certified family home child care? (1) We pay the lesser of the following to a licensed or certified family home child care:

- (a) The provider's usual daily rate for that child; or
- (b) The ~~DSHS~~state maximum child care subsidy daily rate for that child as listed in the following table.

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 11 yrs)
Region 1	Full-Day	\$21.29 <u>24.29</u>	\$19.16 <u>21.12</u>	\$19.16 <u>21.12</u>	\$17.04 <u>18.78</u>
	Half-Day	\$10.65 <u>12.14</u>	\$9.58 <u>10.56</u>	\$9.58 <u>10.56</u>	\$8.52 <u>9.39</u>
Spokane County	Full-Day	\$21.78 <u>24.84</u>	\$19.60 <u>21.60</u>	\$19.60 <u>21.60</u>	\$17.43 <u>19.21</u>
	Half-Day	\$10.89 <u>12.42</u>	\$9.80 <u>10.80</u>	\$9.80 <u>10.80</u>	\$8.71 <u>9.60</u>
Region 2	Full-Day	\$21.29 <u>25.65</u>	\$20.23 <u>22.30</u>	\$18.10 <u>19.95</u>	\$18.10 <u>19.95</u>
	Half-Day	\$10.65 <u>12.82</u>	\$10.12 <u>11.15</u>	\$9.05 <u>9.97</u>	\$9.05 <u>9.97</u>
Region 3	Full-Day	\$30.88 <u>34.03</u>	\$26.62 <u>29.33</u>	\$23.42 <u>25.81</u>	\$21.29 <u>23.46</u>
	Half-Day	\$15.44 <u>17.02</u>	\$13.31 <u>14.67</u>	\$11.71 <u>12.91</u>	\$10.65 <u>11.74</u>
Region 4	Full-Day	\$31.94 <u>40.04</u>	\$31.59 <u>34.81</u>	\$26.62 <u>29.33</u>	\$25.55 <u>28.16</u>
	Half-Day	\$15.97 <u>20.03</u>	\$15.80 <u>17.42</u>	\$13.31 <u>14.67</u>	\$12.78 <u>14.08</u>

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Region 5	Full-Day	\$23.42	\$21.29	\$20.23	\$18.10
		26.99	23.46	22.30	19.95
	Half-Day	\$11.71	\$10.65	\$10.12	\$9.05
Region 6	Full-Day	13.50	11.74	11.15	9.97
		\$23.42	\$21.29	\$21.29	\$20.23
	Half-Day	26.99	23.46	23.46	22.30
		\$11.71	\$10.65	\$10.65	\$10.12
		13.50	11.74	11.74	11.15

(2) The family home child care WAC ~~388170~~-296-0020 and ~~388170~~-296-1350 allows providers to care for children from birth up to and including the day before their twelfth birthday. ~~The provider must obtain a child-specific and time-limited waiver from their child care licensor to provide care for a child outside the age listed on their license. If the provider has a waiver to care for a child who has reached their twelfth birthday, the payment rate is the same as subsection (1) and the five to eleven year age range column is used for comparison.~~

(3) If the family home provider cares for a child who is ~~thirteen~~twelve or older, the provider must have a child-specific and time-limited waiver and the child must meet the special needs requirement according to WAC ~~388170~~-290-0220. If the provider has a waiver to care for a child who has reached their twelfth birthday, the payment rate is the same as subsection (1) and the five to eleven year age range column is used for comparison.

(4) We pay family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (5) of this section). Refer to subsection (1) and the five to eleven year age range column for comparisons.

(5) We cannot pay family home child care providers to provide care for children in their care if the provider is:

- (a) The child's biological, adoptive or step-parent;
- (b) The child's nonneedy or needy relative or that relative's spouse or live-in partner;
- (c) The child's legal guardian or the guardian's spouse or live-in partner; or
- (d) Another adult acting in loco parentis or that adult's spouse or live-in partner.

~~(6) Rates for Spokane County are subject to special funding allocated by the Legislature in the state operating budget. If the special funds are not allocated Region 1 rates apply to Spokane County.~~

WAC 170-290-0220 How does ~~DSHS~~the WCCC program determine that my child qualifies for a special needs daily rate? To qualify for the ~~DSHS child care programs state~~ special needs ~~subsidy~~ daily rate your child must either:

- (1) Be thirteen to ~~nineteen~~eighteen years old and be under court supervision; or
- (2) Be under ~~nineteen~~eighteen years old, and;
 - (a) Have a verified physical, mental, emotional, or behavioral condition that requires a higher level of care while in the care of the licensed or certified facility, a ~~DSHS~~DEL contracted seasonal day camp or in-home/relative provider; and
 - (b) Have their condition and need for higher level of care verified by an individual who is not employed by the child care facility and is either a:
 - (i) Health, mental health, education or social service professional with at least a master's degree; or
 - (ii) Registered nurse.

WAC 170-290-0225 What is the additional ~~subsidy~~ daily rate for children with special needs in a licensed or certified child care center or ~~DSHSDEL~~ contracted seasonal day camp? (1) In addition to the rate listed in WAC ~~388170~~-290-0200, we authorize special needs daily rates to licensed or certified child care centers or ~~DSHSDEL~~ contracted seasonal day camps according to whichever of the following is greater:

- (a) The provider's reasonable documented additional cost associated with the care of the child; or
 (b) The daily rate listed in the table below after you have verified that your child has a special need and requires a higher level of care according to WAC ~~388170~~-290-0220.

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 12 yrs)
Region 1	Full-Day	\$7.30	\$6.14	\$5.80	\$5.45
	Half-Day	\$3.65	\$3.07	\$2.90	\$2.73
Region 2	Full-Day	\$7.36	\$6.15	\$5.70	\$5.05
	Half-Day	\$3.68	\$3.08	\$2.85	\$2.52
Region 3	Full-Day	\$9.75	\$8.13	\$7.02	\$6.82
	Half-Day	\$4.88	\$4.06	\$3.51	\$3.41
Region 4	Full-Day	\$11.35	\$9.48	\$7.95	\$7.16
	Half-Day	\$5.67	\$4.74	\$3.98	\$3.58
Region 5	Full-Day	\$8.32	\$7.16	\$6.30	\$5.59
	Half-Day	\$4.16	\$3.58	\$3.15	\$2.80
Region 6	Full-Day	\$8.18	\$7.02	\$6.14	\$6.00
	Half-Day	\$4.09	\$3.51	\$3.07	\$3.00

(2) The child care provider must verify the child's additional care needs when they request a rate above that listed in subsection (1)(b) of this section. The verification should include details about all of the child's additional needs while in child care in relevant areas such as environmental accommodations, ambulation, eating, personal hygiene, communication, and behavior.

(3) If a provider is requesting one-on-one supervision or direct care for the child with special needs the person providing the one-on-one care must be:

- (a) At least eighteen years of age; and
 (b) Meet the requirements for being an assistant under chapter ~~388170~~-295 WAC.
 (4) If the provider has a waiver to care for a child who:
 (a) Is thirteen years or older; and
 (b) Has special needs according to WAC ~~388170~~-290-0220, we authorize the special needs payment rate as described in subsection (1) of this section using the five to twelve year age range for comparison.

WAC 170-290-0230 What is the additional subsidy daily rate for children with special needs in a licensed or certified family home child care? (1) In addition to the rate listed in WAC ~~388170~~-290-0205, we authorize special needs daily rates to licensed or certified

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family home child care providers according to whichever of the following is greater:

- (a) The provider's reasonable documented additional cost associated with the care of the child; or
- (b) The daily rate listed in the table below after you have verified that your child has a special need and requires a higher level of care according to WAC ~~388170~~-290-0220:

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 11 yrs)
Region 1	Full-Day	\$6.00	\$5.40	\$5.40	\$4.80
	Half-Day	\$3.00	\$2.70	\$2.70	\$2.40
Region 2	Full-Day	\$6.00	\$5.70	\$5.10	\$5.10
	Half-Day	\$3.00	\$2.85	\$2.55	\$2.55
Region 3	Full-Day	\$8.70	\$7.50	\$6.60	\$6.00
	Half-Day	\$4.35	\$3.75	\$3.30	\$3.00
Region 4	Full-Day	\$9.00	\$8.90	\$7.50	\$7.20
	Half-Day	\$4.50	\$4.45	\$3.75	\$3.60
Region 5	Full-Day	\$6.60	\$6.00	\$5.70	\$5.10
	Half-Day	\$3.30	\$3.00	\$2.85	\$2.55
Region 6	Full-Day	\$6.60	\$6.00	\$6.00	\$5.70
	Half-Day	\$3.30	\$3.00	\$3.00	\$2.85

(2) A family home child care provider must verify the child's additional care needs when they request a rate above that listed in subsection (1)(b) of this section. The verification should include details about all of the child's additional needs while in child care in relevant areas such as environmental accommodations, ambulation, eating, personal hygiene, communication, and behavior.

(3) If the provider has a waiver to care for a child who:

- (a) Is twelve years or older; and
- (b) Has special needs according to WAC ~~388170~~-290-0220, we authorize the special needs payment rate as described in subsection (1) of this section using the five to eleven year age range for comparison.

(4) If a provider is requesting one-on-one supervision/direct care for the child with special needs. The person providing the one-on-one care must be:

- (a) At least eighteen years old; and
- (b) Meet the requirements for being an assistant under chapter ~~388-155~~170-296 WAC.

WAC 170-290-0235 What is the DSHSState in-home/relative child care daily rate for children with special needs? (1) We authorize a base rate of two dollars and ~~six~~twenty cents an hour for in-home/relative child care when a child has verified special needs and requires a higher level of care according to WAC ~~388170~~-290-0220.

(2) In addition to the base rate, we authorize whichever of the following is greater:

- (a) Sixty-two cents per hour; or
- (b) The provider's reasonable documented additional cost associated with the care for that child.

(3) The in-home/relative provider must verify the child's additional care needs when they request a rate above that listed in subsection (1)(a) of this section. The verification must include details about all the child's additional needs while in child care in relevant areas such as environmental accommodations, ambulation, eating, personal hygiene, communication, and behavior.

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(4) If other children in the home are also authorized for in-home/relative care with the same provider, we authorize:

- (a) Two dollars and ~~six~~twenty cents an hour for the child needing the most care; and
- (b) ~~One~~Two dollars and ~~threeseventeen~~ cents an hour for any additional children.

WAC 170-290-0240 What is the ~~DSHS~~State child care subsidy rate for in-home/relative child care and how is it paid? (1) When you employ an in-home/relative provider, the maximum we pay for child care is the lesser of the following:

(a) Two dollars and ~~six~~twenty cents per hour for the child who needs the greatest number of hours of care and ~~one~~two dollars and ~~threeseventeen~~ cents per hour for the care of each additional child in the family; or

(b) The provider's usual hourly rate for that care.

(2) We may pay above the maximum hourly rate for children who have special needs under WAC ~~388~~170-290-0235.

(3) We make the WCCC payment directly to your eligible provider.

(4) When appropriate, we pay your (the employer's) share of the following:

- (a) Social Security and Medicare taxes (FICA) up to the wage limit;
- (b) Federal Unemployment Taxes (FUTA); and
- (c) State unemployment taxes (SUTA) when applicable.

(5) If an in-home/relative child care provider receives less than the wage base limit per family in a calendar year, we refund all withheld taxes to the provider.

WAC 170-290-0245 When can the WCCC program authorize payment of fees for registration? (1) We pay licensed or certified child care providers and ~~DSHS~~DEL contracted seasonal day camps a registration fee once per calendar year of fifty dollars per child or the provider's usual fee, whichever is less only if the fees are:

- (a) Required of all parents whose children are in care with that provider; and
- (b) Needed to maintain the child care arrangement.

(2) The registration fee may be authorized more than once per calendar year when:

(a) There is a break in your child care services for more than sixty days and the provider's policy is to charge an additional registration fee when there is a break in care; or

(b) The children change child care providers and the new provider meets subsection

(1)(a) and (b) of this section.

WAC 170-290-0247 When can the WCCC program authorize payment for field trip fees? (1) We pay licensed or certified child care providers and ~~DSHS~~DEL contracted seasonal day camps a monthly field trip fee up to twenty dollars per child or the provider's actual cost for

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the field trip, whichever is less, only if the fees meet the conditions in subsection (1)(a) and (b) of WAC ~~388~~170-290-0245. The field trip fee is to cover the provider's actual expenses for:

- (a) Admission;
 - (b) Transportation (not to include the provider's gas and insurance); and
 - (c) The cost of hiring a nonemployee to provide an in-house field trip activity.
- (2) The field trip fee can only be reimbursed for children three years of age and older.

NEW SECTION

WAC 170-290-0249 When can my provider receive a non-standard hours bonus? (1) Your provider may receive a non-standard hours bonus (NSHB) payment of \$50 per child per month for care provided in January 2008 or later if:

- (a) The provider is licensed or certified;
- (b) The provider provides at least 45 hours of non-standard hours care during one month; and
- (c) The total cost of the NSHB to the state has not exceeded two million dollars during the 2007-2009 biennium.

(2) Non-standard hours are defined as:

- (a) Weekdays before 6 a.m. or after 6 p.m.;
- (b) Saturdays and Sundays; and
- (c) Legal holidays, as defined in RCW 1.16.050.

WAC 170-290-0260 Who has a right to ask for a hearing and how do they ask for one? (1) WCCC consumers have a right to request a hearing under chapter 388-02 WAC on any action affecting WCCC benefits except for mass changes resulting from a change in policy or law.

(2) Licensed or certified child care providers or in-home/relative providers can request hearings under chapter 388-02 WAC and RCW 43.20B.675 only for WCCC overpayments.

(3) To request a hearing you, the licensed/certified provider, or in-home/relative provider:

- (a) Contacts the office which sent them the notice; or
- (b) Writes to the Office of Administrative Hearings, P.O. Box 424889, Olympia WA 98504-2489; and
- (c) Makes the request for a hearing within:
 - (i) Ninety days of the date a decision is received for consumers; or
 - (ii) Twenty-eight days of the date a decision is received for providers (per RCW 43.20B.675).

WAC 170-290-0265 When can I get WCCC benefits pending the outcome of a hearing? (1) If you are a WCCC consumer, you can receive WCCC pending the outcome of a hearing if you request the hearing:

- (a) On or before the effective date of an action; or

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(b) No more than ten days after we send you a notice of adverse action.

"Adverse action" means an action to reduce or terminate your WCCC, or to set up a protective payee to receive your WCCC warrant for you.

(2) If you lose a hearing, any WCCC you use between the date of the adverse action and the date of the hearing or hearing decision is an overpayment to you, the consumer.

(3) If you are a WCCC consumer, you may not receive WCCC benefits pending the outcome of a hearing if you request payment to a provider who is not eligible under WAC [388170-290-0125](#).

(4) If you are eligible for WCCC, you may receive child care benefits for another eligible provider, pending the outcome of the hearing.

WAC 170-290-0270 What is a WCCC overpayment and what can be included? (1)

A WCCC overpayment:

(a) Occurs when you or a provider receives benefits or payment from WCCC that you or they are not eligible to receive;

(b) Is expected to be paid back by you or the provider; and

(c) Is written for the month care is billed for, not the month it is paid or the month the overpayment is written.

(2) When setting up an overpayment, we reduce the WCCC overpayment by the amount of the WCCC underpayment when applicable.

(3) In areas not covered by this section, you are subject to chapter 388-410 WAC (Benefit errors).

(4) Payments made through departmental error fall under subsection (1) of this section.

(5) Absent days can be added to an overpayment, either yours or the provider's, when care is used or billed when you were not eligible for WCCC per WAC [388170-290-0032](#) or care is billed incorrectly.

WAC 170-290-0271 When might I get an overpayment? You get WCCC

overpayments whether you are a current or past WCCC consumer, when we make payment for WCCC benefits and:

(1) You are no longer eligible or you are eligible for a smaller amount of care, such as using care for an unapproved activity or for children not in your WCCC household;

(2) You fail to report information to us that results in an error in our determination of:

(a) Your eligibility;

(b) The amount of care authorized; or

(c) The amount of your copayment.

(3) Your provider is not an eligible provider per WAC [388170-290-0140](#);

(4) Your child is not eligible per WAC [388170-290-0015](#) or [388170-290-0020](#).

WAC 170-290-0273 When would my licensed or certified provider or ~~DSHSDEL~~ contracted seasonal day camp get an overpayment? (1) We establish WCCC overpayments for your licensed or certified child care provider and ~~DSHSDEL~~ contracted seasonal day camps, when your provider:

- (a) Billed and received payment for WCCC services not provided;
 - (b) Does not have attendance records that comply with licensing requirements (refer to WAC ~~388170~~-295-7030, ~~388170~~-296-0520, and ~~388170~~-151-460 for attendance record requirements). Only attendance records meeting WAC requirements will be accepted for attendance verification;
 - (c) Billed and received payment for more than they are eligible to bill;
 - (d) Billed and received payment and the provider is not eligible based on WAC ~~388170~~-290-0125; ~~or~~
 - ~~—(e) Is caring for a child outside their licensed allowable age range without a waiver.~~
- (2) The WCCC program staff may request documentation from your provider when preparing to establish an overpayment. Your provider has fourteen consecutive calendar days to supply any requested documentation.

WAC 170-290-0274 When would my in-home/relative provider get an overpayment? (1) We establish WCCC overpayments for your in-home/relative provider when your provider:

- (a) Billed and received payment for WCCC services not provided;
 - (b) Does not have attendance records that comply with attendance records based on WAC ~~388170~~-290-0138. Only attendance records meeting WAC requirements will be accepted for attendance verification;
 - (c) Billed and received payment for more than they are eligible to bill; ~~;~~
- (2) The WCCC program staff may request documentation from your provider when preparing to establish an overpayment. Your provider has fourteen consecutive calendar days to supply any requested documentation.